

## **REMARKS**

### **I. Introduction**

With the addition of new claims 41 and 42, claims 17 to 42 are currently pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

Applicants note that an initialed copy of the PTO-1449 paper filed with the Information Disclosure Statement on November 20, 2000 and an initialed copy of the PTO-1449 paper filed with the Supplemental Information Disclosure Statement on June 7, 2001 have not been returned. Applicants respectfully request consideration of the Information Disclosure Statement, PTO-1449 paper and cited references and the Supplemental Information Disclosure Statement, PTO-1449 paper and cited references with the next Office communication.

### **II. Oath/Declaration**

As regards the declaration, a supplemental declaration will be submitted under separate cover.

### **III. Rejection of Claims 17, 19, 30 to 32, 34, 39, and 40 Under 35 U.S.C. § 102(e)**

Claims 17, 19, 30 to 32, 34, 39, and 40 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,120,925 ("Kawatsu et al."). Applicants respectfully submit that Kawatsu et al. do not anticipate the present claims for the following reasons.

Claim 17 relates to a fuel-cell system and recites that the fuel-cell system includes an oxidation device configured to convert carbon monoxide into carbon dioxide and includes a water-injection device configured to inject water into the oxidation device. Claim 17 has been amended herein without prejudice to recite that the oxidation device is configured to inject water into the oxidation device to supply oxygen to the oxidation device to convert carbon monoxide into carbon dioxide. Support for the amendment to claim 17 may be found, for example, on page 5, lines 5 to 6 of the Specification.

Claim 32 relates to a method for generating electrical energy using a fuel-cell system. Claim 32 recites that the method includes oxidizing carbon monoxide into carbon dioxide and includes injecting water during the oxidizing step. Claim 32 has been amended herein without prejudice to recite that water is injected during the oxidizing step to supply oxygen to oxidize carbon monoxide into carbon dioxide. Support for the amendment to claim 32 may be found, for example, on page 5, lines 5 to 6 of the Specification.

Kawatsu et al. purport to relate to an apparatus for and method of reducing concentration of carbon monoxide and fuel-cells generator system with such apparatus. While Kawatsu et al. mention that a supply of water is fed to a selective CO oxidizing unit, the water is only supplied to cool selective CO oxidizing catalysts stored in the selective CO oxidizing unit. That is, Kawatsu et al. do not disclose, or even suggest, that the water is supplied to the CO oxidizing unit to supply oxygen to oxidize carbon monoxide into carbon dioxide. Rather, Kawatsu et al. describe feeding an oxygen-containing oxidizing gas to the oxidizing unit and state that “[t]he catalyst in the oxidizing unit enables oxygen included in the introduced oxidizing gas to be bonded to the carbon monoxide,” col. 2, lines 28 to 30 (emphasis added). It is therefore respectfully submitted that Kawatsu et al. do not disclose, or even suggest, a water injection device configured to inject water into an oxidation device to supply oxygen to an oxidation device to convert carbon monoxide into carbon dioxide as recited in amended claim 17 or injecting water in an oxidizing step to supply oxygen to oxidize carbon monoxide into carbon dioxide as recited in amended claim 32. It is therefore respectfully submitted that Kawatsu et al. do not anticipate claims 17 and 32 as amended herein.

As for claims 19, 30, and 31, which ultimately depend from claim 17 and therefore include all of the limitations of claim 17, it is respectfully submitted that Kawatsu et al. do not anticipate these dependent claims for at least the same reasons given above in support of the patentability of claim 17.

As for claims 34, 39, and 40, which ultimately depend from claim 32 and therefore include all of the limitations of claim 32, it is respectfully submitted that Kawatsu et al. do not anticipate these dependent claims for at least the same reasons given above in support of the patentability of claim 32.

**IV. Rejection of Claims 17, 22 to 25 28 to 30,  
32, 34 to 37 and 39 Under 35 U.S.C. § 103(a)**

Claims 17, 22 to 25, 28 to 30, 32, 34 to 37 and 39 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 5,630,679 ("Buswell et al.") and Kawatsu et al. It is respectfully submitted that the combination of Buswell et al. and Kawatsu et al. does not render unpatentable the present claims as amended herein for the following reasons.

As indicated above, claim 17 has been amended herein without prejudice to recite that a water-injection device is configured to supply oxygen to an oxidation device to convert carbon monoxide into carbon dioxide, and claim 32 has been amended herein without prejudice to recite that water is injected during an oxidizing step to supply oxygen to oxidize carbon monoxide into carbon dioxide. Independent claim 28, which relates to a fuel-cell system, has been amended herein without prejudice to recite that a water-injection device is configured to supply oxygen to an oxidation device to convert carbon monoxide into carbon dioxide. As further indicated above, Kawatsu et al. do not disclose, or even suggest, at least these features. Buswell et al. are not relied upon for disclosing or suggesting the limitations of claims 17, 28 and 32 not disclosed or suggested by Kawatsu et al. Indeed, the Office Action admits at page 4 that Buswell et al. do not disclose that a "selective oxidation unit comprises a water injection device." It is therefore respectfully submitted that the combination of Buswell et al. and Kawatsu et al. does not disclose or suggest all of the limitations of claims 17, 28 and 32. Accordingly, it is respectfully submitted that the combination of Buswell et al. and Kawatsu et al. does not render unpatentable claims 17, 28 and 32.

As for claims 22 to 25 and 30, which depend from claim 17 and therefore include all of the limitations of claim 17, it is respectfully submitted that combination of Buswell et al. and Kawatsu et al. does not render unpatentable these dependent claims for at least the same reasons given above in support of the patentability of claim 17.

As for claim 29, which depends from claim 28 and therefore include all of the limitations of claim 28, it is respectfully submitted that combination of Buswell et al. and Kawatsu et al. does not render unpatentable dependent claim 29 for at least the same reasons given above in support of the patentability of claim 28.

As for claims 34 to 37 and 39, which depend from claim 32 and therefore include all of the limitations of claim 32, it is respectfully submitted that combination of Buswell et al. and Kawatsu et al. does not render unpatentable these dependent claims for at least the same reasons given above in support of the patentability of claim 32.

**V. Rejection of Claims 17 to 21, 30 to 35, 39 and 40 Under 35 U.S.C. § 103(a)**

Claims 17 to 21, 30 to 35, 39 and 40 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 6,165,633 ("Negishi") and Kawatsu et al. It is respectfully submitted that the combination of Negishi and Kawatsu et al. does not render unpatentable the present claims as amended herein for the following reasons.

As indicated above, claim 17 has been amended herein without prejudice to recite that a water-injection device is configured to supply oxygen to an oxidation device to convert carbon monoxide into carbon dioxide, and claim 32 has been amended herein without prejudice to recite that water is injected during an oxidizing step to supply oxygen to oxidize carbon monoxide into carbon dioxide. Independent claims 18 and 20, which relate to fuel-cell systems, have been amended herein without prejudice to recite that a water-injection device is configured to supply oxygen to an oxidation device to convert carbon monoxide into carbon dioxide. Independent claim 33, which relates to a method for generating electrical energy using a fuel-cell system, has been amended herein without prejudice to recite that the method includes injecting water during an oxidizing step to supply oxygen to oxidize carbon monoxide into carbon dioxide. As further indicated above, Kawatsu et al. do not disclose, or even suggest, at least these features. Negishi is not relied upon for disclosing or suggesting the limitations of claims 17, 18, 20, 32 and 33 not disclosed or suggested by Kawatsu et al. Indeed, the Office Action admits at page 5 that Negishi does not disclose that a "selective oxidation unit comprises a water injection device." It is therefore respectfully submitted that the combination of Negishi and Kawatsu et al. does not disclose or suggest all of the limitations of claims 17, 18, 20, 32 and 33. Accordingly, it is respectfully submitted that the combination of Negishi and Kawatsu et al. does not render unpatentable claims 17, 18, 20, 32 and 33.

As for claims 19, 30 and 31, which ultimately depend from claim 17 and therefore include all of the limitations of claim 17, it is respectfully submitted that combination of Negishi and Kawatsu et al. does not render unpatentable these dependent claims for at least the same reasons given above in support of the patentability of claim 17.

As for claim 21, which depends from claim 20 and therefore includes all of the limitations of claim 20, it is respectfully submitted that combination of Negishi and Kawatsu et al. does not render unpatentable dependent claim 20 for at least the same reasons given above in support of the patentability of claim 21.

As for claims 34, 35, 39 and 40, which depend from claim 32 and therefore include all of the limitations of claim 32, it is respectfully submitted that combination of Negishi and Kawatsu et al. does not render unpatentable these dependent claims for at least the same reasons given above in support of the patentability of claim 32.

**VI. Rejection of Claims 17 to 19, 26, 27, 30, 31, 33, 35, 38, 39 and 40 Under 35 U.S.C. § 103(a)**

Claims 17 to 19, 26, 27, 30, 31, 33, 35, 38, 39 and 40 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 6,077,620 ("Pettit") and Kawatsu et al. It is respectfully submitted that the combination of Pettit and Kawatsu et al. does not render unpatentable the present claims as amended herein for the following reasons.

As indicated above, claims 17 and 18 have been amended herein without prejudice to recite that a water-injection device is configured to supply oxygen to an oxidation device to convert carbon monoxide into carbon dioxide, and claim 33 has been amended herein without prejudice to recite that water is injected during an oxidizing step to supply oxygen to oxidize carbon monoxide into carbon dioxide. Independent claim 26, which relates to a fuel-cell system, has been amended herein without prejudice to recite that a water-injection device is configured to supply oxygen to an oxidation device to convert carbon monoxide into carbon dioxide. Independent claim 38, which relates to a method for generating electrical energy using a fuel-cell system, has been amended herein without prejudice to recite that the method includes injecting water during an oxidizing step to supply oxygen to oxidize carbon monoxide into carbon dioxide. As further

indicated above, Kawatsu et al. do not disclose, or even suggest, at least these features. Pettit is not relied upon for disclosing or suggesting the limitations of claims 17, 18, 26, 33 and 38 not disclosed or suggested by Kawatsu et al. Indeed, the Office Action admits at page 7 that Pettit does not disclose that a “selective oxidation unit compris[es] a water injection device.” It is therefore respectfully submitted that the combination of Pettit and Kawatsu et al. does not disclose or suggest all of the limitations of claims 17, 18, 26, 33 and 38. Accordingly, it is respectfully submitted that the combination of Pettit and Kawatsu et al. does not render unpatentable claims 17, 18, 26, 33 and 38.

As for claims 19, 30 and 31, which ultimately depend from claim 17 and therefore include all of the limitations of claim 17, it is respectfully submitted that combination of Pettit and Kawatsu et al. does not render unpatentable these dependent claims for at least the same reasons given above in support of the patentability of claim 17.

As for claim 27, which depends from claim 26 and therefore includes all of the limitations of claim 26, it is respectfully submitted that combination of Pettit and Kawatsu et al. does not render unpatentable dependent claim 27 for at least the same reasons given above in support of the patentability of claim 26.

As for claims 35, 39 and 40, which depend from claim 32 and therefore include all of the limitations of claim 32, it is respectfully submitted that combination of Pettit and Kawatsu et al. does not render unpatentable these dependent claims for at least the same reasons given above in support of the patentability of claim 32.

## **VII. New Claims 41 and 42**

New claims 41 and 42 have been added herein. It is respectfully submitted that new claims 41 and 42 add no new matter and are fully supported by the present application, including the Specification.

Since claim 41 depends from claim 17, it is respectfully submitted that claim 41 is patentable over the references relied upon for at least the same reasons given above in support of the patentability of claim 17.

Since claim 42 depends from claim 32, it is respectfully submitted that claim 42 is patentable over the references relied upon for at least the same reasons given above in support of the patentability of claim 32.

**VIII. Conclusion**

In light of the foregoing, it is respectfully submitted that all of the presently pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Dated: Jan. 27, 2004

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